

REMARKS

No new matter has been introduced into this application by reason of the amendments presented herewith. Written support for the text added to Claims 1, 14, 21, and 30 can be found at pages 4 and 5 of the specification and in Figures 1-4 of the drawings.

35 USC 112, Second Paragraph: Claims 1-35

The Examiner rejected Claims 1-35 under 35 USC 112, second paragraph. In making the rejection the Examiner asserted that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, the Examiner noted that Claim 1 recites upper and lower ends of the spring rods, but did not positively define an orientation of the rods. The Examiner also noted that the term “the net” in Claims 1 and 14 did not have proper antecedent basis. The Examiner further indicated that the parentheses in several of the claims should be deleted.

Claims 1, 5, 6, 9, 14, 17, 18, 20, 21, 29, 30, and 35 have been amended to correct the problems identified by the Examiner. Accordingly, the rejection of Claims 1-35 under 35 USC 112, second paragraph, should be withdrawn.

35 USC 102(b): Claims 1-3, 5-9, 14, 15, 17-23, 26-32, and 35

The Examiner rejected Claims 1-3, 5-9, 14, 15, 17-23, 26-32, and 35 under 35 USC 102(b) as being unpatentable over US 6,261,207 (Publicover et al.). This rejection should be withdrawn for the following reasons.

Publicover et al. shows and describes a trampoline (20) having a circular frame (34) and a mat (40) (sheet of sturdy fabric). The mat (40) is connected to the frame (34) with a plurality of coil springs (39) as shown in Figures 1 and 2 of Publicover et al. The mat (40) and the coil springs (39) are coplanar with the frame (34).

The trampoline described in Publicover et al. has a configuration in which the coil springs are in the same plane as the bouncing surface of the mat. That arrangement poses a significant risk that a user will land on the springs and/or the gaps between springs instead of on the mat. Use of additional protective covers over the springs reduces, but does not eliminate, the risk of injury. Moreover, the frame itself provides a non-yielding surface that can also cause injury to the user in the event of a wayward landing. Similar injuries are possible through impacts with the side of the trampoline, e.g. inadvertent collisions from children engaged in (and distracted by) other, off-trampoline activities.

In contrast, the Applicant's claimed trampoline as set forth in Claim 1 includes "a plurality of resiliently flexible spring rods each having a lower end retained by a frame of the trampoline and an upper end coupled to the mat about a periphery of the mat, each rod extending from the frame upwards towards the mat at an incline so as to support the mat above the frame of the trampoline." This feature of the Applicant's claimed trampoline eliminates the problems associated with having a plurality of coil springs connecting the mat to the frame. Publicover et al. neither describes nor suggests a trampoline having the same or similar structural features.

The trampoline described in Publicover et al. has a plurality of vertically extending posts (44) that support a wall (100) of flexible material. The Examiner asserts that the posts (44) "inherently have a degree of resiliency [sic]."

In contrast, the Applicant's claimed trampoline as set forth in Claim 1 includes the following features:

a plurality of generally upright enclosure support members outside of the barrier relative to the mat which are resiliently flexible over at least the major part

of the lengths thereof and which are retained at or towards the lower ends of the enclosure support members and which support the barrier above the mat, which are free to deform away from the mat when impacted by a user against an enclosure support member and/or against said barrier of flexible material, the barrier connecting together the enclosure support members at or towards an upper peripheral edge part of the barrier and at or towards the upper ends of the enclosure members so that at least said upper peripheral part of the barrier is in tension and so that such resilient deformation of one of the enclosure support members away from the mat causes resilient deformation of opposite enclosure support members towards the mat.

The Applicant submits that even if the Examiner is correct that the posts (44) of the Publicover et al. trampoline have some degree of resilience, that does not necessarily mean that they are “resiliently flexible” as that term is defined in the present application. The resiliently flexible support members of the Applicant’s claimed trampoline are described as follows at page 6 of the application.

The enclosure rods are highly flexible or deformable. The degree of resilience may be such that an average size or weight user (for example a 80 kg user) deforming the enclosure to the extent shown in FIG. 5 will be rebounded back onto the mat whereas the same user deforming the enclosure to the extent shown in FIG. 6 will not naturally be rebounded back onto the mat- the user must also pick him or herself up or be pulled up by another user or player still on the mat, but will be assisted in returning to the mat also by the rebound force of the enclosure system.

Publicover et al. does not describe the posts (44) to be “resiliently flexible” such that they would inherently deform in the same manner as the enclosure support members of the Applicant’s claimed trampoline. Indeed, Publicover et al. describes an entirely separate mechanism for permitting the posts (44) to deflect at all when impacted by a user. The text at column 4, lines 7-21 of Publicover et al. reads as follows.

To provide a degree of flexibility in the fasteners 58, stiff compression springs (not shown) can be provided between the saddle clamps 66 and nuts 68. In such an arrangement, locking nuts are used, and the nuts are not tightened to the extent that the springs are completely crushed. With such springs in place, a post 44 can move a short distance away from the frame 34 when a person bounces against the post from inside the trampoline court of chamber 106, and the post is urged outwardly. The additional movement of the pole helps cushion the impact

on the person, and helps store energy that is subsequently released to propel the person away from the fence/pole. A similar spring-coupling arrangement can be used at the lower clamp 60, there arranged to permit the top of the pole to deflect inwardly (i.e. the bottom of the pole deflects outwardly, away from the leg) when a remote part of the fence is impacted.

In view of the foregoing passage, it is clear that the support posts used in the Publicover et al. trampoline are not necessarily or invariably “resiliently flexible”. Otherwise, there would not be any need for using compression springs in the clamps that hold the support posts to the frame. The use of resiliently flexible support rods in the Applicant’s claimed trampoline obviates the need to provide additional mechanical components such as compression springs at the support attachment points, in order to obtain the same functionality.

For all of the foregoing reasons, it should now be clear that Publicover et al. does not anticipate the Applicant’s claimed trampoline as set forth in Claim 1. Claims 14, 21, and 30 include the same features as Claim 1. Therefore, those claims are not anticipated by Publicover et al. for at least the same reasons as Claim 1.

Claims 2, 3, and 5-9 depend from Claim 1 either directly or indirectly and thus, include all of the features of Claim 1. Therefore, Claims 2, 3, and 5-9 are not anticipated by Publicover et al. for at least the same reasons as Claim 1.

Claims 15 and 17 depend from Claim 14 and thus, include all of the features of Claim 14. Therefore, Claims 15 and 17 are not anticipated by Publicover et al. for at least the same reasons as Claim 14.

Claims 22, 23 and 26-29 depend from Claim 21 either directly or indirectly and thus, include all of the features of Claim 21. Therefore, Claims 22, 23, and 26-29 are not anticipated by Publicover et al. for at least the same reasons as Claim 21.

Claims 31, 32, and 35 depend from Claim 30 and thus, include all of the features of Claim 30. Therefore, Claims 31, 32, and 35 are not anticipated by Publicover et al. for at least the same reasons as Claim 30.

For all of the foregoing reasons, the rejection of Claims 1-3, 5-9, 14, 15, 17-23, 26-32, and 35 under 35 USC 102(b) based on Publicover et al. is not supported by substantial evidence and should be withdrawn.

35 USC 102(b): Claims 21 and 25

The Examiner rejected Claims 21 and 25 under 35 USC 102(b) as being unpatentable over US 5,941,798 (Coan et al.). This rejection should be withdrawn for the following reasons.

Coan et al. shows and describes a trampoline having a frame (12, 20) and a mat (22). The mat (22) is connected to the frame (12, 20) with a plurality of coil springs (26) as shown in Figures 1 and 5 of Coan et al. The mat (22) and the coil springs (26) are coplanar, or substantially coplanar, with the frame (12, 20).

The trampoline described in Coan et al. has a configuration in which the coil springs are in the same plane as the bouncing surface of the mat. That arrangement poses a significant risk that a user will land on the springs and/or the gaps between springs instead of on the mat. Use of additional protective covers over the springs reduces, but does not eliminate, the risk of injury. Moreover, the frame itself provides a non-yielding surface that can also cause injury to the user in the event of a wayward landing. Similar injuries are possible through impacts with the side of the trampoline, e.g. inadvertent collisions from children engaged in (and distracted by) other, off-trampoline activities.

In contrast, the Applicant's claimed trampoline as set forth in Claim 1 includes "a plurality of resiliently flexible spring rods each having a lower end retained by a frame of the trampoline and an upper end coupled to the mat about a periphery of the mat each rod extending from the frame upwards towards the mat at an incline so as to support the mat above the frame of the trampoline." This feature of the Applicant's claimed trampoline eliminates the problems associated with having a plurality of coil springs connecting the mat to the frame. Coan et al. neither describes nor suggests a trampoline having the same or similar structural features.

The trampoline described and shown in Coan et al. has a plurality of tubular supports (34) that extend upwardly and away from the mat (22) and frame (12). The tops of the tubular supports are interconnected by a plurality of horizontal bars or tubes (32). A net assembly (30) that surrounds the mat (22) is supported by the horizontal bars (32).

The Applicant submits that the support members (34) of the Coan et al. are not inherently "resiliently flexible" as that term is defined in the present application. The resiliently flexible support members of the Applicant's claimed trampoline are described as follows at page 6 of the application.

The enclosure rods are highly flexible or deformable. The degree of resilience may be such that an average size or weight user (for example a 80 kg user) deforming the enclosure to the extent shown in FIG. 5 will be rebounded back onto the mat whereas the same user deforming the enclosure to the extent shown in FIG. 6 will not naturally be rebounded back onto the mat- the user must also pick him or herself up or be pulled up by another user or player still on the mat, but will be assisted in returning to the mat also by the rebound force of the enclosure system.

Moreover, the Applicant's claimed trampoline as set forth in Claim 21 includes the following features:

a plurality of resiliently flexible generally upright enclosure support members outside of the barrier relative to the mat and which are retained at or towards the lower ends of the enclosure support members by the frame of the

trampoline and which support the barrier above the mat, which enclosure support members are connected together at or towards the upper ends of the enclosure support members to draw the upper ends of the enclosure support members away from their natural rest state when connected only at their lower ends to the frame of the trampoline, and towards the centre of the mat to tension the barrier.

Coan et al. does not describe a trampoline that has resiliently flexible enclosure support members that have all of the features set forth in Claim 21. More specifically, the interconnection of the supports (34) with the linear bars (32) in the trampoline of Coan et al. would provide a degree of rigidity that would prevent the supports (34) from drawing the upper ends of the other supports away from their natural rest state and towards the center of the mat to tension the net (40). The net (40) is not connected to the support members (34) in a manner that would provide such functionality.

For all of the foregoing reasons, it should now be clear that Coan et al. does not anticipate the Applicant's claimed trampoline as set forth in Claim 21. Claim 25 depends from Claim 21 and thus, includes all of the features of Claim 21. Therefore, Claim 25 is not anticipated by Coan et al. for at least the same reasons as Claim 21. Accordingly, the rejection of Claims 21 and 25 under 35 USC 102(b) based on Coan et al. is not supported by substantial evidence and should be withdrawn.

35 USC 103(a): Claims 3, 4, 16, 24, and 33

The Examiner rejected Claims 3, 4, 16, 24, and 33 under 35 USC 103(a). In making the rejection the Examiner relies on "Publicover 860" and "Publicover 798". While the reference to Publicover 860 appears to refer to US Patent Application Publication 2007/0111860 (Publicover '860), there is no reference cited in the PTO-892 that corresponds to a Publicover '798 patent. The only Publicover documents of record in this application are US 6,053,845 (Publicover et al. '845) and US 6,261,207 (Publicover et al. '207). Accordingly, it appears that this rejection is improper because the Examiner has not properly identified the documents he is

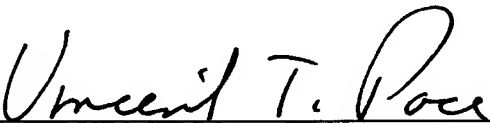
relying on to support the rejection. If the Examiner intends to maintain this ground of rejection in a subsequent action, it is requested that he clearly identify the documents that he is relying on by stating the patent number and/or published application number, the issue date and/or publication date, and the name(s) of the applicant(s), as required by 37 CFR 1.104(d).

CONCLUSION

In view for the foregoing amendments and remarks, it is believed that the claims currently pending in this application are in condition for allowance. The Applicant respectfully requests that the Examiner reconsider the application in the light of the amendments and remarks presented herein.

Respectfully submitted,

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